

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

RAY J. KORNFELD,

Plaintiff,

v.

MANAGEMENT & TRAINING CORP.,
et al.,

Defendants.

Case No. 1:21-cv-00847-NONE-BAM (PC)

ORDER VACATING OCTOBER 1, 2021,
HEARING ON DEFENDANTS' MOTION TO
DISMISS

(ECF No. 11)

Plaintiff Ray J. Kornfeld ("Plaintiff") is a former federal prisoner proceeding *pro se* in this civil rights action pursuant to *Bivens v. Six Unknown Named Agents of Fed. Bureau of Narcotics*, 403 U.S. 388 (1971).

On August 30, 2021, Defendants filed a motion to dismiss. (ECF No. 11.) Defendants set the motion for hearing before the undersigned on October 1, 2021, at 9:00 a.m. (*Id.*)

The parties are advised that "all motions, except motions to dismiss for lack of prosecution, filed in actions wherein one party is incarcerated and proceeding *in propia persona*, shall be submitted upon the record without oral argument unless otherwise ordered by the Court. Such motions need not be noticed on the motion calendar." Local Rule 230(l). Although Plaintiff is no longer in custody, the parties are advised that it is the Court's general practice to continue to apply Local Rule 230(l) and certain other local rules concerning actions in which one party is incarcerated and proceeding *in propia persona*, even when the *pro se* plaintiff is no

1 longer incarcerated.

2 Accordingly, IT IS HEREBY ORDERED as follows:

- 3 1. The motion hearing set for October 1, 2021 before the undersigned, is VACATED;
4 and
5 2. Plaintiff's opposition or statement of non-opposition to Defendants' motion to dismiss
6 remains due within **twenty-one (21) days** after the date of service of the motion.

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8 IT IS SO ORDERED.

9 Dated: August 31, 2021

/s/ Barbara A. McAuliffe
10 UNITED STATES MAGISTRATE JUDGE
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